

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00533

Kenneth Hanon,
Plaintiff,

v.

Jon Michael Smith, d/b/a Panola Auto Sales et al.,
Defendants.

ORDER

Plaintiff Kenneth Hanon filed this action pro se alleging violations of 42 U.S.C. § 1983 and various state law claims. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 2.

The magistrate judge issued a report recommending that the complaint be dismissed without prejudice for lack of subject-matter jurisdiction. Doc. 31. Plaintiff filed written objections. Doc. 33. The magistrate judge recommended dismissal because plaintiff's pleadings fail to allege specific facts as necessary to support a claim pursuant to 42 U.S.C. § 1983.

When a party files specific written objections to a magistrate judge's report and recommendation, the court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which [an] objection is made." 28 U.S.C. § 636(b)(1)(C). General, vague, conclusive, or frivolous objections, however, will not suffice. *See Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). In such cases, the court will only review the magistrate judge's findings to determine if they are clearly erroneous or contrary to the law. *See Gallegos v. Equity Title Co. of Am., Inc.*, 484 F. Supp. 2d 589, 591 (W.D. Tex. 2007) (citations omitted).

Here, plaintiff merely reiterated the arguments made in his original complaint. Having reviewed the magistrate judge's report and recommendation as well as the objections, the court overrules the plaintiff's objections and accepts the magistrate judge's findings and

recommendations. Plaintiff's claims are dismissed without prejudice for lack of subject-matter jurisdiction.

So ordered by the court on April 25, 2022.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge